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December 16, 2009

MEMO ENDORSED

*You are correct
pure clerical error*

BY HAND

Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

RE: Comet Shipping Agencies Nigeria Ltd.
v. Global Container Lines Ltd.
Civ. No. 09 Civ. 7043 (CM)
Our File: 00000891 MJC

Your Honor:

We are the attorneys for the plaintiff in the above captioned action.

On November 3, 2009, we wrote to advise the Court and provide a courtesy copy of the filing of a Motion for a Default Judgment against defendant Global Container Lines Ltd.

Thereafter, on November 20, 2009, we again wrote to the Court to advise that defendant Global Container Lines Limited had filed a Voluntary Petition in Bankruptcy in the United States Bankruptcy Court for the Eastern District of New York on November 10, 2009 and provided the Court with a copy of the Voluntary Petition. We also advised the Court at that time that we assumed that the above captioned matter was subject to the automatic bankruptcy stay.

Thereafter, on December 11, 2009, we received a telephone call from one of your law clerks advising that the Court had received our letter of November 20, 2009 and directing that

December 16, 2009

Page 2

after we had filed a Proof of Claim in Bankruptcy, that we should withdraw the motion for a default judgment, without prejudice.

Subsequently, however, on December 15, 2009, we received email notice of the electronic filing of a default judgment signed by Your Honor on December 14, 2009. A copy of the default judgment is enclosed. Thereafter, on December 16, 2009, we received email notice of a Minute Entry on the Docket filed by the Court on December 11, 2009 and entered on December 16, 2009 in which the Court directed the Clerk of the Court to place this matter on the Court's suspense docket in view of the defendant's Bankruptcy filing and the automatic bankruptcy stay. A copy of the Minute Entry is also enclosed.

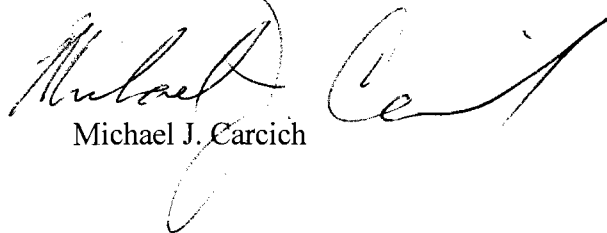
In view of the foregoing, the filing of bankruptcy by defendant Global Container Lines Limited on November 10, 2009, the automatic bankruptcy stay which came into effect at that time, and the placing of this matter on the Court's suspense docket based on the automatic bankruptcy stay, we assume that the foregoing default judgment was entered due to a clerical error and should be vacated.

Thank you for your consideration of the foregoing.

Respectfully submitted,

NICOLETTI HORNIG & SWEENEY

By:

A handwritten signature in black ink, appearing to read "Michael J. Carcich", is written over a faint, circular, dotted-line stamp.

Michael J. Carcich

MJC/vc

Enc.

cc:

Matthew G. Roseman, Esq.
Cullen & Dykman
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